

## Title 1

### GENERAL PROVISIONS

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#### Chapter 1.01

### CODE ADOPTION

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- 1.01.010 Adoption
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**1.01.010 Adoption.** As authorized by Section 29.48.180 of the Alaska Statutes, there is adopted the "Whittier Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington, allowing for obvious and/or verifiable typographical and transposition errors. (Ord. 53 §1, 1986)

**1.01.020 Title citation—Reference.** This code shall be known as the "Whittier Municipal Code" and it shall be sufficient to refer to the code as the "Whittier Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Whittier Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Whittier Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 53 §2, 1986)

**1.01.030 Codification authority.** This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Section 29.48.180 of the Alaska Statutes. (Ord. 53 §3, 1986)

#### **1.01.035 Revision of Ordinance.**

A. The city clerk is the revisor of ordinances. The revisor of ordinances shall revise for consolidation into the Whittier Municipal Code all ordinances of a general and permanent nature adopted by the city council.

B. The revisor, with the prior approval of the city attorney, shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:

1. number sections, parts of sections, articles, chapters, and titles;
2. change the wording of sections or subsection titles, or delete subsection titles, and change or provide new titles for sections, articles, chapters and titles;
3. change capitalization for the purpose of uniformity;
4. substitute the proper designation for the terms "the preceding section", "this ordinance", and like terms;
5. substitute the proper calendar date for "effective date of this ordinance", "date of adoption of this ordinance", and other phrases of similar import;
6. strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;

7. correct manifest errors that are clerical, typographical, or errors in spelling or errors by way of additions or omissions;

8. correct manifest errors in references to laws, regulations, ordinances, and this code;

9. rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in this code;

10. change all sections, when possible, to read in the present tense, indicative mood, active voice and if the use of personal pronouns cannot be avoided in a section change the section to read in the third person, and singular number, or any other necessary grammatical change in the manner generally followed in this code;

11. delete or change sections or parts of sections if a deletion or change is necessary because of other council amendments that did not specifically amend or repeal them;

12. omit all temporary ordinances, all titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses unless, from their nature, it may be necessary to retain them to preserve the full meaning and intent of the ordinance.

C. In exercising authority under this section the revisor of ordinances shall be guided by conventions and policies followed by the state revisor of statutes in the exercise of authority under AS 01.05.031.

D. The revisor shall edit and revise the ordinances as they are adopted by the city council, without changing the meaning of any ordinance, so as to avoid the use of pronouns denoting masculine or feminine gender. (Ord 372-98, §2, (new section) 1998)

**1.01.040 Ordinances passed prior to code adoption.** The last ordinance included in the initial code is Ordinance 28, passed October 15, 1985. The following ordinances, passed subsequent to Ordinance 28, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51 and 52. (Ord. 53 §4, 1986)

**1.01.050 Reference applies to all amendments.** Whenever a reference is made to this code as the "Whittier Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 53 §5, 1986)

**1.01.060 Title, chapter and section headings.** Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 53 §6, 1986)

**1.01.070 Reference to specific ordinances.** The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 53, §7, 1986)

**1.01.080 Effect of code on past actions and obligations.** Neither the adoption of this code nor the repeal or amendments of any ordinance or part or portion of any ordinance of the code shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such license, fee, or penalty, or the penal provisions applicable to any violation thereof, not to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 53 §8, 1986)

**1.01.090 Effective date.** This code shall become effective on the date the ordinance adopting this code as the "Whittier Municipal Code" shall become effective. (Ord. 53 §9, 1986)

**1.01.100 Constitutionality.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 53 §10, 1986)

#### Chapter 1.04

#### GENERAL PROVISIONS

##### Sections:

[1.04.010 Definitions.](#)

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[1.04.050 Acts by agents.](#)

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[1.04.080 Construction.](#)

[1.04.090 Repeal not to revive any ordinance.](#)

**1.04.010 Definitions.** The following words and phrases, whenever used in the ordinances of the city, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" means the city of Whittier, Alaska, or the area within the limits of the city of Whittier, Alaska, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Code" means the code of ordinances of the city, including all amendments and additions. All ordinances shall be adopted as specified by state law.

C. "Council" means the city council of the city. "All its members" or "all councilmembers" means the total number of councilmembers holding office.

D. "Law" denotes applicable federal law, the constitution and statutes of the state of Alaska, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, or the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Alaska.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city

which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Ord. 17 (part), 1985: prior code §1.40.010)

**1.04.020 Title of officer.** Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 17 (part), 1985: prior code §1.40.020)

**1.04.030 Interpretation of language.** All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 17 (part), 1985: prior code §1.40.030)

**1.04.040 Grammatical interpretation.** The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless 1.04.050--1.08.010 manifestly inapplicable. (Ord. 17 (part), 1985: prior code §1.40.040)

**1.04.050 Acts by agents.** When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 17 (part), 1985: prior code §1.40.050)

**1.04.060 Prohibited acts include causing and permitting.** Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 17 (part), 1985: prior code §1.40.060)

**1.04.070 Computation of time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 17 (part), 1985: prior code §1.40.070)

**1.04.080 Construction.** The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 17 (part), 1985: prior code §1.40.080)

**1.04.090 Repeal not to revive any ordinance.** The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 17 (part), 1985: prior code §1.40.090)

Chapter 1.08

CITY BOUNDARIES

Sections:

**1.08.010 Designated.**

**1.08.010 Designated.**

A. The boundaries of the city are as follows:

Beginning at the SE corner of Section 2, Unsurveyed T8N, R5E; projected Seward Meridian, Alaska; thence west to the southwest corner of Section 2, T8N, R5E; thence north to the SW corner of the NW 1/4 of Section 2, T8N, R5E; thence west to the SW corner of the NE 1/4 of Section 4, T8N, R5E; thence south to the SW corner of the SE 1/4 Section 4, T8N, R4E; thence west to the NW corner of Section 10, T8N, R4E; thence south to the SW corner of Section 22, T8N, R4E; thence east to the SE corner of Section 24, T8N, R4E; thence north to the SW corner of Section 18, T8N, R5E; thence east to the SE corner of Section 14, T8N, R5E; thence north to the point of beginning, containing 19.75 square miles more or less.

B. The boundaries described above became the boundaries of the city as of March 4, 1973. (Prior code

Chapter 1.12

CITY SEAL

Sections:

**1.12.010 Designated.**

**1.12.010 Designated.**

A. The official seal of the city, a facsimile of which appears below, consists of two concentric circles, at the center of which appear a vignette of the Begich Towers and Whittier Manor condominium buildings against a background of mountains, and between which the words "THE CITY OF WHITTIER, ALASKA," appear at the top and the words "Incorporated on July 15, 1969" appear at the bottom.



"seal"

B. The above described seal is adopted and declared the corporate seal of the city, and shall be used to authenticate all acts of this corporation. The seal of the city shall be kept by the city clerk and by him or her affixed to all acts required to be so authenticated. (Ord. 18 §2, 1985: prior code §1.20.030)

Chapter 1.16

CODE SUPPLEMENTATION AND REVISION

Sections:

**1.16.010 Code supplementation and revision.**

**1.16.010 Code supplementation and revision.** This code shall be supplemented at least annually. The clerk may contract with purchasers of this code to provide supplementation for an annual fee to be determined by the council. (Prior code §1.30.030)

Chapter 1.20

GENERAL PENALTY

Sections:

**1.20.010 Designated.**

**1.20.10 Designated.**

A. Every act prohibited by the code or any rule or regulation adopted in pursuance thereof is declared unlawful. Unless other penalty is expressly provided by the code for any particular provision or section, any violation of any provision of the code, or any rule or regulation adopted or issued in pursuance thereof, shall carry a civil penalty of up to three hundred dollars. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

B. The penalty provided by this chapter shall, unless any other penalty is expressly provided, apply to the amendment of any section of the code, whether or not such penalty is reenacted in the amendatory ordinance. (Ord. 17 (part), 1985: Ord. 36-73 §1, 1973: prior code §1.40.100)